

App. Serial No. 10/525,862
Docket No.: NL 020803 US

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Remarks

Claims 1-9 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated June 12, 2006 indicated several informalities regarding the specification and the claims. In the following discussion, Applicant first addresses the miscellaneous informalities and objections raised by the Office Action, followed by a discussion of the various rejections.

With respect to the Office Action's assertion that a binary divider block would need two inputs, Applicant respectfully submits that the binary divider of FIG. 15 does not need two inputs. It appears that the Office Action is referring to an arithmetic divider circuit, whereas the present circuit includes a frequency-dependent binary divider. Applicant submits that binary dividers can operate as a frequency divider, and thus, both the term frequency divider and the term binary divider can be used to describe block 113.

With respect to the Office Action's suggestion to change "The splitter 103" to "The frequency divider 113," Applicant appreciates the courtesy the Office Action has extended by way of the suggestion. Applicant has assumed that the Examiner is referring to page 7. Applicant submits (without expressing an opinion as whether the Examiner's suggested amendment would also be correct) that the current description is correct. More specifically, splitter 103 does generate a binary signal for a divide by two circuit.

With respect to the suggestion to change "invert 110" to "inverter 111," Applicant appreciates the suggestion and has corrected the typographical error. In view of the above discussion and minor corrections in accordance with the Office Action's suggestions, and Applicant believes these objections are now moot and requests that the objections be removed.

With respect to the objections to claims 1-7 for informalities, Applicant submits that the claims particularly point out and distinctly claim the subject matter of the claimed invention. To facilitate prosecution and for clarification purposes, Applicant has amended claims 1-3 as suggested by the Office Action. Applicant submits that the claims should be in a condition for allowance and that the objections be removed.

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Claim 7 is indicated as potentially allowable subject matter, if rewritten in independent form to include the subject matter of any intervening claims. Applicant appreciates the indication of allowability of claim 7, and has accordingly amended claim 7 to include limitations corresponding the claims from which claim 7 depended. Accordingly, Applicant submits that the claim is in a condition for allowance and requests that the objection be removed.

Applicant has added new claims 8 and 9. Applicant submits that the limitations of claims 8 and 9 are consistent with the linking claims 1 and 7, respectively. Thus, claims 8 and 9 are distinguishable over the cited references for the reasons discussed in connection with claims 1 and 7. Accordingly, Applicant submits that claims 8 and 9 should be in a condition for allowance.

The non-final Office Action dated June 12, 2006 indicated the following rejections, specifically that: Claims 3 and 5 stand rejected under 35 U.S.C. § 112(2) with regard to indefiniteness; claims 1-2 stand rejected under 35 U.S.C. § 102(b) over Atkinson (UK Patent Publication GB 2253316); claims 3 and 6 stand rejected under 35 U.S.C. § 103(a) over Takeshita *et al.* (US Patent Publication 2002/0053950) in view of Atkinson, and further in view of Nakamura (US Patent 6,072,370); claim 4 stands rejected under 35 U.S.C. § 103(a) over Atkinson in view of Dalmia (U.S. 6,683,930); and claim 5 stands rejected over Atkinson in view of Dalmia.

Regarding the Section 112(2) rejection of claim 3, Applicant respectfully traverses the rejection. It appears that the Office Action is improperly limiting the term "binary divider" to a specific type of arithmetic divider that requires two inputs. The Office Action provides no basis for such a limitation. Moreover, Applicant submits that such a limitation is inconsistent than both the ordinary meaning of the term and Applicant's use of the term in the Specification. For example, the term binary divider can be used to describe a frequency divider circuit that has a single input. Thus, the basis for the rejection is improper, and Applicant requests that the rejection be withdrawn.

Regarding the Section 112(2) rejection of claim 5, Applicant respectfully traverses the rejection. Applicant submits that the Office Action does not provide adequate support for the assertion that claim 5 is misdescriptive. Instead, the Office Action simply states that there "would be no reason for an additional phase splitter." Applicant submits that

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regardless of the Office Action's belief that there is no reason for claimed limitations, the claims particularly point out and distinctly claim the subject matter which Applicant regards as his invention as required by Section 112(2). Thus, Applicant submits that the Office Action's belief as to the reason for claimed limitations does not render the claimed limitations misdescriptive. Accordingly, the basis for the rejection is improper, and Applicant requests that the rejection be withdrawn.

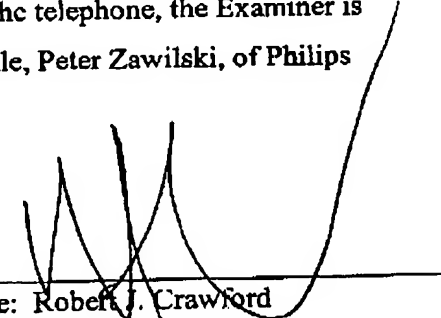
Turning now to the remaining statutory rejections, Applicant has amended claim 1 to include limitations that are believed to correspond to the reason for allowance of claim 7. Thus, Applicant submits that claim 1 should be in a condition for allowance and requests that the rejection be withdrawn.

Claims 2-6 depend from claim 1 and necessarily contain all the limitations of claim 1, which as discussed above should be in a condition for allowance. For consistency with the claim 1 amendment, Applicant has amended claim 6 to include limitations directed to frequency detector signals. The amendment does not represent new matter. Accordingly, Applicant requests that the rejections to claims 2-6 be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of Philips Corporation at (408) 474-9063.

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